

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO.	
v.	:	DATE FILED:	
KEVIN COLEMAN, a/k/a MARQUIS HOLMES	:	VIOLATIONS:	18 U.S.C. § 924(a)(1)(A) (Making a false statement to a firearms dealer - 2 counts) 18 U.S.C. § 922(g)(1) (Possession of a firearm by a convicted felon - 1 count)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times relevant to this indictment:

1. The Firing Line Gun Shop, located in Philadelphia, Pennsylvania, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal law.

2. FFL holders were licensed, among other things, to sell firearms and ammunition. Various rules and regulations promulgated under the authority of Title 18, United States Code, Chapter 44, govern the manner in which an FFL holder may sell firearms and ammunition.

3. The rules and regulations governing FFL holders required that a person seeking to purchase a handgun fill out a "Firearms Transaction Record," ATF Form 4473. Part of the Form 4473 required that the prospective purchaser certify truthfully that he or she has not made any false oral or written statements with respect to the transaction, and that he or she has never been

convicted of a crime for which he or she could have received more than one year in prison. The Form 4473 contained language warning that “[t]he transferee of a firearm should be familiar with 18 U.S.C. § 922. Generally, § 922 prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who . . . has been convicted of a felony, or any other crime, punishable by imprisonment for a term exceeding one year”

4. On or about November 29, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

KEVIN COLEMAN,
a/k/a MARQUIS HOLMES,

in connection with the acquisition of a firearm, that is, a Sig Arms .357 caliber, Model 2340 semi-automatic handgun, serial number SP0061984, from the Firing Line, Inc., an FFL holder, knowingly made a false statement and representation with respect to information required under Title 18, United States Code, Chapter 44 to be kept in the records of the Firing Line, Inc., in that defendant KEVIN COLEMAN certified on ATF Form 4473, that he had not been convicted of a crime for which he could have received more than one year in prison, when in fact he knew this statement to be false and fictitious.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3 of Count One are realleged here.

2. The rules and regulations governing FFL holders required that the prospective purchaser certify truthfully that he or she has not made any false oral or written statements with respect to the transaction, and that he or she was the actual buyer of the firearm. The Form 4473 contained language warning that “[t]he federal firearms laws require that the individual filling out this form must be buying the firearm for himself or as a gift. Any individual who is not buying the firearm for himself/herself or as a gift, but who completes this form, violates the law.”

3. FFL holders were required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer’s address.

4. On or about November 29, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

KEVIN COLEMAN,
a/k/a MARQUIS HOLMES,

in connection with the acquisition of a firearm, that is, a Heckler and Koch Model USP45, .45 caliber semi-automatic handgun, serial number 29-027766, from the Firing Line, Inc., an FFL holder, knowingly made false statements and representations with respect to information required under Title 18, United States Code, Chapter 44 to be kept in the records of the Firing Line, Inc., in that defendant KEVIN COLEMAN certified under penalty of perjury on ATF Form 4473, that (1) he was the actual buyer of the firearm, when in fact he knew this statement to be false and fictitious,

and (2) he had not been convicted of a crime for which he could have received more than one year in prison, when in fact he knew these statements to be false and fictitious.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 29, 2002, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

KEVIN COLEMAN,
a/k/a MARQUIS HOLMES,

having been convicted in a court of a crime punishable by imprisonment for a term exceeding one
year, knowingly possessed in and affecting interstate commerce, two firearms, that is, (1) a Heckler
and Koch, Model USP45, .45 caliber semi-automatic pistol, serial number 29-027766, and (2) a Sig
Arms .357 caliber, Model 2340 semi-automatic pistol, serial number SP0061984.

In violation of Title 18, United States Code, Section 922(g)(1).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney